

KYRGYZ REPUBLIC 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Kyrgyz Republic adopted a presidential system of government by referendum on January 10, replacing the prior parliamentary form of government. President Sadyr Japarov, who had been serving as interim president since October 2020 following political upheaval that resulted in the annulment of parliamentary elections and the forced resignation of his predecessor, was elected on January 10 in elections considered generally free and well organized.

The investigation of general and local crimes falls under the authority of the Ministry of Internal Affairs, while certain crimes such as terrorism and corruption fall under the authority of the State Committee for National Security, which also controls the presidential security service. The Prosecutor General's Office prosecutes both local and national crimes. Law enforcement is under the authority of the Ministry of Internal Affairs, which falls under presidential jurisdiction. Civilian authorities at times did not maintain effective control over the security forces. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: an arbitrary killing by police; a high-profile disappearance; use of torture by law enforcement and security services; harsh and life-threatening prison conditions; arbitrary arrest; serious problems with the independence of the judiciary; arbitrary interference with privacy; serious restrictions on free expression and media, including violence and threats of violence against journalists and censorship; serious restrictions on internet freedom; interference with freedom of association including overly restrictive laws on the funding and operation of NGOs and civil society organizations; serious acts of government corruption; lack of investigation of and accountability for gender-based violence; crimes involving violence or threats of violence targeting members of minority groups and lesbian, gay, bisexual, transgender, queer, and intersex persons; and the existence of the worst forms of

child labor.

While the government took steps to investigate and prosecute or punish officials known to have committed human rights abuses or those involved in corrupt activities, official impunity remained a problem.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There was one report that the government or its agents committed an arbitrary killing. On August 28, a police patrol service officer from Bishkek shot and killed the driver of a car he had pulled over in Bishkek for a traffic violation. The Ministry of Internal Affairs, which oversees the police, first claimed the man fought with the police officer and attempted to seize his weapon; however, a closed-circuit television video of the incident showed that the man had not attacked the officer. The State Committee for National Security detained the officer and initiated an investigation.

The Ministry of Internal Affairs is responsible for investigating any killings involving law enforcement. Military prosecutors are responsible for investigating killings involving the military. In cases where there may be a conflict of interest, the Ministry of Internal Affairs can transfer a criminal investigation and prosecution to a military prosecutor, at their discretion.

b. Disappearance

On May 31, Orhan Inandi, a dual Turkish-Kyrgyz citizen and founder of the Sapat system of schools in the country that are ideologically linked with Fethullah Gulen, disappeared from Bishkek. He reappeared in Turkish custody on July 5. His lawyers claimed he was tortured for 35 days during the time when his whereabouts were unknown. Turkish President Recep Tayyip Erdogan subsequently lauded Turkey's intelligence agency for bringing Inandi back to Turkey. Kyrgyz authorities announced an investigation into Inandi's disappearance and officially protested to the Turkish Embassy in Bishkek. Kyrgyz authorities insisted that they

were not involved in Inandi's kidnapping. On August 18, the Kyrgyz Military Prosecutor's Office launched an investigation into the Border Guard Service to determine what role it may have played in the removal of Inandi to Turkey.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment. Nevertheless, physical abuse, including inhuman and degrading treatment, reportedly continued in prisons. Police abuse reportedly remained a problem, notably in pretrial detention.

Defense attorneys, journalists, and human rights monitoring organizations, including Golos Svobody, Bir Duino, and international nongovernmental organizations (NGO) Human Rights Watch (HRW) and Transparency International, reported incidents of torture by police and other law enforcement agencies. Authorities reportedly tortured individuals to elicit confessions during criminal investigations. Through September the Antitorture Coalition reported 63 allegations of torture; 54 by police and one for the State Committee for National Security. According to the Antitorture Coalition, 12 of the 63 investigations into torture were dropped on administrative grounds. During the year the Prosecutor General's Office (PGO) did not bring criminal charges in any cases of alleged torture. NGOs stated that the government established strong torture-monitoring bodies but that influence from some parts of the government threatened the independence of these bodies.

In May police beat Elaman Taalaibekov in the Tash-Kumyr village near Jalal-Abad, allegedly to obtain a confession for theft. Taalaibekov later reported the beating to law enforcement authorities, but officials took no action. Later, several of the perpetrators accused Taalaibekov of attacking the police officers, and the Jalal-Abad Regional Department of Internal Affairs opened an investigation against Taalaibekov.

The NGO Golos Svobody (The Voice of Freedom) played a central role in monitoring allegations of torture. Golos Svobody served as the main organizer of the Antitorture Coalition, a consortium of 18 NGOs that continued to work with

the PGO to track complaints of torture. The Antitorture Coalition also accepted complaints of torture and passed them to the PGO to facilitate investigations. According to members of the Antitorture Coalition, the cases it submitted against alleged torturers did not lead to convictions.

In cases where prosecutors tried police on torture charges, prosecutors, judges, and defendants routinely raised procedural and substantive objections. These objections delayed the cases, often resulting in stale evidence, and ultimately led to case dismissal.

During the year NGOs reported that courts regularly accepted as evidence confessions allegedly induced through torture. The human rights NGO Bir Duino reported that the police continued to use torture to elicit confessions, and that courts often dismissed allegations of torture, claiming that the defendants were lying in order to weaken the state's case. Defense lawyers stated that once prosecutors took a case to trial, a conviction was almost certain. In a 2020 report on torture in the country, Bir Duino highlighted ongoing issues, including the implementation of the new legal code creating gaps in an already weak system for investigating torture, and the failure of legal institutions, including investigatory judges, to investigate torture in a timely manner. Bir Duino also reported that ethnic Uzbeks composed 51 percent of torture cases, despite only representing 18 percent of the population. According to Golos Svobody, investigators often took two weeks or longer to review torture claims, at which point the physical evidence of torture was no longer visible. Defense attorneys presented most allegations of torture during trial proceedings, and the courts typically rejected them. In some cases, detainees who filed torture complaints later recanted, reportedly due to intimidation by law enforcement officers.

According to reputable media allegations, Kyrgyz border guards detained and beat two Tajik teenagers from Vorukh, an exclave of Tajikistan surrounded by Kyrgyz Republic territory, on April 25 for herding cattle in the disputed territory. The teenagers were released after an hour with minor injuries.

Prison and Detention Center Conditions

Prison conditions were harsh and sometimes life threatening due to food and

medicine shortages, substandard health care, lack of heat, and mistreatment.

Physical Conditions: Pretrial and temporary detention facilities were particularly overcrowded, and conditions and mistreatment generally were worse than in prisons. Authorities generally held juveniles separately from adults but grouped them in overcrowded temporary detention centers when other facilities were unavailable. Experts reported that inmates who had been convicted of crimes involving terrorism or extremism were not adequately separated from the general population. Convicted prisoners occasionally remained in pretrial detention centers while they appealed their cases.

NGOs reported that in some cases prison gangs controlled prison management and discipline, since prison officials lacked capacity and expertise in running a facility. In some instances, the gangs controlled items that could be brought into the prison, such as food and clothing, while prison officials looked the other way. According to NGOs, authorities did not try to dismantle these groups because they were too powerful and believed that removing them could lead to chaos. Some prisoners indicated that prison officials left prison order and safety to the prison gangs or prisoners themselves, resulting in instances of violence and intimidation among inmates.

Prisoners reported prison officials did not provide access to appropriate medical care in prisons, including medications, to prisoners. Human rights organizations reported that the government failed to provide prisoners and prison staff with personal protective equipment throughout the COVID-19 pandemic. Bir Duino reported that during the pandemic, prison inmates were denied visits from family members and from doctors and lawyers. Out of approximately 2,500 lawyers who applied for state authorization to access their clients in prison during the lockdown, Bir Duino stated that only 139 were approved – far fewer than before the pandemic, when authorities permitted almost all requests.

Administration: Authorities did not conduct proper investigations of credible allegations of mistreatment. Prisoners have the right to file complaints with prison officials or with higher authorities. According to Bir Duino, prison staff inconsistently reported and documented complaints. Many observers believed the official number of prisoner complaints of mistreatment represented only a small

fraction of the actual cases. Officials running pretrial detention facilities often denied persons held in pretrial detention access to visitors.

The government allows the National Center to Prevent Torture (NCPT), an independent and impartial body, to monitor detention facilities. NGO representatives stated that NCPT officials made progress monitoring and documenting some violations in detention facilities. They stressed, as they had in previous years, that the government needed to implement a standardized approach to identifying torture cases and provide sufficient resources and staff members to the NCPT to conduct its work.

Independent Monitoring: Most monitoring groups, including the International Committee of the Red Cross (ICRC), reported receiving unfettered access to prisons and pretrial detention facilities, except for detention centers the State Committee for National Security operates. Some NGOs, including Bir Duino and Spravedlivost, had the right to visit prisons independently as part of their provision of technical assistance, such as medical and psychological care.

Officials from the NCPT, Ombudsman Institute, and human rights lawyers reported staff had been prohibited from conducting checks on prisoners during the COVID-19 pandemic due to health restrictions.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government did not observe these requirements. Human rights organizations reported that authorities unfairly targeted and arrested ethnic Uzbeks for alleged involvement in banned religious organizations and for alleged “religious extremism activity.” While police reduced arrests of ethnic Uzbeks for possession of “extremist materials” after a change in the extremism law in 2019, NGOs reported that security services shifted to online monitoring of social media accounts and arresting ethnic Uzbeks who were alleged to be associated with “extremist groups.” Attorneys reported that police frequently arrested individuals on false charges and then solicited bribes in exchange for release.

On April 13, the State Committee for National Security detained political analyst

Marat Kazakpaev and the former head of the Kazakh Diaspora in the Kyrgyz Republic, Marat Toktouchikov, on suspicion of high treason. On May 31, Kazakpaev told Ombudsman Office officials that his health problems were being ignored. He also claimed that he was being pressured to switch to a lawyer the government prefers. Kazakpaev further claimed that the State Committee for National Security threatened to transfer him to a reportedly more dangerous pretrial facility and to be “placed in the same cell with criminals” who would abuse him. Kazakpaev attributes his arrest to a position he voiced regarding the country’s border conflict with Uzbekistan.

Arrest Procedures and Treatment of Detainees

According to the criminal procedure code, only courts have the authority to issue search and seizure warrants. While prosecutors have the burden of proof in persuading a judge that a defendant should be detained pending trial, activists reported detention without a warrant or in contravention of regulatory standards remained common. NGOs reported police targeted vulnerable defendants from whom they believed they could secure a bribe. Authorities could legally hold a detainee for 48 to 72 hours before filing charges. Experts on torture and abuse reported police and security services often chose not to register criminal cases to avoid the procedural requirements limiting the length of time law enforcement can detain a suspect. Law enforcement then, in some cases, used the longer detentions to apply harsh interrogation and torture to extract confessions or bribes. The law requires investigators to notify a detainee’s family of the detention within 12 hours. The general legal restriction on the length of investigations is 60 days. The law, however, provides courts the discretion to hold a suspect in pretrial detention for as much as one year, depending on the severity of the charges, after which they are legally required to release the suspect. Once a case goes to trial, the law provides courts the authority to prolong detention until the case is closed without limitations on duration of custody. The judicial system operates a functioning bail system. The law allows courts to use alternative measures instead of detention, such as restrictions on foreign travel and house arrest.

Persons arrested or charged with a crime have the right to defense counsel at public expense. The accused has the right by law to consult with defense counsel immediately upon arrest or detention, but in some reported cases the first meeting

did not occur until the trial. As in past years, human rights groups noted incidents in which authorities denied attorneys access to arrested minors, held the minors without parental notification, and questioned them without parents or attorneys present, despite laws forbidding these practices.

The law authorizes the use of house arrest for certain categories of suspects. Reports indicated law enforcement officers selectively enforced the law by incarcerating persons suspected of minor crimes while not pursuing those suspected of more serious offenses or those with significant political connections.

Arbitrary Arrest: As in previous years, NGOs and monitoring organizations, including Golos Svobody, Bir Duino, and Spravedlivost, recorded complaints of arbitrary arrest. Observers asserted it was impossible to know the number of cases because most of these individuals did not report their experiences. According to NGOs in the southern part of the country, arrests and harassment of individuals allegedly involved in extremist religious groups – predominantly ethnic Uzbeks – continued.

Press reported arrests of individuals suspected of involvement in the banned extremist group Hizb ut-Tahrir; such arrests continued a trend that began in 2014. According to Bir Duino, however, corruption within the law enforcement system motivated some arrests. Civil society alleged police entered homes falsely claiming to have a search warrant, planted banned Hizb ut-Tahrir material, and arrested the suspect in the hope of extracting a bribe to secure release.

Both local and international observers said the State Committee for National Security and law enforcement officers engaged in widespread arbitrary arrests, including some alleged to be politically motivated; detainee abuse; and extortion, particularly in the southern part of the country.

On February 10, the State Committee for National Security searched the house of lawyer Nazgul Suyunbaeva in Osh on suspicion she was hiding her client who was wanted by police. Suyunbaeva claimed that the search was illegal because a search in the house of a lawyer is only allowed if a criminal case is initiated against the lawyer. On February 15, the investigative judge of the Osh City Court found that the search was illegal and unreasonable, and the judge dropped the case against

Suyunbaeva.

Pretrial Detention: Civil society groups frequently reported lengthy pretrial detention for detained individuals. Political machinations, complex legal procedures, poor access to lawyers, and limited investigative capacity often lengthened defendants' time in pretrial detention beyond the 60-day limit, with some individuals being detained legally for as long as one year. Seven pretrial detention facilities held approximately 2,500 persons.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but judges were subject to influence or corruption, compromising judicial independence and impartiality. Throughout the year the conduct and outcome of trials appeared predetermined in multiple cases. Numerous sources, including NGOs, attorneys, government officials, and private citizens, asserted that some judges paid bribes to attain their positions. Many attorneys asserted that judges ubiquitously accept bribes. Authorities generally respected court orders.

Numerous NGOs described pervasive violations of the right to a fair trial, including coerced confessions, use of torture, denial of access to counsel, and convictions in the absence of sufficiently conclusive evidence or despite exculpatory evidence. International observers reported threats and acts of violence against defendants and defense attorneys inside and outside the courtroom, as well as intimidation of trial judges by victims' relatives and friends.

Trial Procedures

While the law provides for the right to a fair and public trial, the customs and practices of the judicial system regularly contradicted the constitutional presumption of innocence, and pretrial investigations focused on the collection of sufficient evidence to prove guilt. The law requires investigators to inform defendants promptly and in detail of the charges against them and to provide interpreters as needed. Courts conducted trials in the state language, Kyrgyz, or the official language, Russian. In most trials, courtroom procedure required defendants to sit in caged cells.

Defense attorneys complained that judges routinely returned cases to investigators if the prosecutors did not provide enough evidence to prove guilt, during which time suspects could remain in detention. According to attorneys, judges typically gave defendants at least a suspended sentence instead of finding them not guilty, regardless of how little evidence existed to sustain a prison term.

Courts generally opened trials to the public unless the case allegedly involved state secrets or privacy concerns of defendants. Courts often announced verdicts publicly, even in closed proceedings. State prosecutors submit criminal cases to courts, while judges direct criminal proceedings. Criminal cases feature a single judge, while three-judge panels conduct appellate cases. Judges have full authority to render verdicts and determine sentences. The government granted a limited number of judges the necessary security clearances to access documents deemed secret, further circumscribing defendants' access to impartial judicial review in cases purporting to relate to national security.

The law provides for unlimited visits between an attorney and a client during trial, but authorities occasionally did not grant permission for such visits. The government provided indigent defendants with attorneys at public expense, and defendants could refuse legal counsel and defend themselves. HRW, domestic NGOs, and local attorneys reported some state-provided criminal defense lawyers were complicit with prosecutors and did not properly defend their clients. Many observers, particularly in the southern part of the country, described these lawyers as "pocket attorneys" who would help secure bribes from their client to pass to police and judges, which would then secure the client's eventual release. International observers reported that defense attorneys in rural areas provided a lower quality of representation than defense attorneys in the capital. In many cases individuals accused of extremism-related crimes had trouble trying to find an attorney who was not closely connected to police.

The law permits defendants and their counsel to attend all proceedings, question witnesses, present evidence, call witnesses, and access prosecution evidence in advance of trial, but courts frequently did not follow these requirements. Courts typically required witnesses to testify in person. Under certain circumstances courts allowed testimony via audio or video recording. Defendants and counsel, by law, have the right to communicate freely, in private, with no limitation on the

frequency. Defendants and prosecutors have the right to appeal a court's decision. An appellate court can increase a lower court's sentence against a defendant.

Political Prisoners and Detainees

Human rights and civil society NGOs claimed there were a small number of incarcerated political prisoners. Human rights observers noted that several high-profile trials for corruption and related crimes appeared to be politically motivated, targeting political opposition and members of the former presidential administrations. NGOs that monitor prison conditions did not report political prisoners were treated differently from other prisoners. The government permitted access to political prisoners by human rights NGOs and the International Committee of the Red Cross.

On August 24, a Bishkek District Court renewed an investigation into the 2020 death of prominent human rights activist Azimjan Askarov after a local court had terminated the investigation on July 1. Askarov was serving a life sentence for allegedly organizing riots that caused the death of a police officer during the 2010 ethnic clashes between ethnic Kyrgyz and Uzbeks. In 2016 the UN Human Rights Committee concluded that Askarov was held in inhumane conditions, tortured, and otherwise mistreated without redress. In July 2020 authorities moved Askarov to the prison hospital only two days before his death, despite complaints from his lawyer and human rights organizations that he was gravely ill. Notwithstanding calls from multiple international organizations for urgent medical intervention, Askarov died in prison on July 27, 2020, likely due to COVID-19.

Civil Judicial Procedures and Remedies

The constitution and law provide for an independent and impartial judiciary in civil matters. As with criminal matters, observers believed the civil judicial system was subject to influence from the outside, including by the government. Local courts address civil, criminal, economic, administrative, and other cases. The Supreme Court is the highest judicial authority. The constitution provides citizens the right to apply to international human rights bodies seeking protection of violated rights and freedoms in accordance with international treaties. Nonetheless, the decisions of international bodies are nonbinding and therefore not subject to enforcement by

the government.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

According to the law, wiretaps, home searches, mail interception, and similar acts, including in cases relating to national security, are permitted only with the approval of the prosecutor and based on a court decision. Such actions are permitted exclusively to combat crime. There were reports that the government failed to respect these restrictions, including reports of police planting evidence in cases of extremism investigations. Seven government agencies have legal authority to monitor citizens' telephone and internet communications.

On August 31, the Ministry of Internal Affairs admitted to wiretapping political opponents, including members of parliament and activists, pursuant to a court order from January 6 through February 10 as part of the criminal investigation into riots that led to the political upheaval of October 2020. The dates of the wiretap encompassed the presidential election on January 10. Some targets of the wiretap demanded that the president dismiss the internal affairs minister and the prosecutor general for their involvement.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of expression, including for members of the press and other media, and the government generally respected this right. Self-censorship was prevalent, and pressure reportedly existed from editors and political figures to bias reporting. Media organizations reported that online harassment and hate speech directed towards independent media outlets significantly increased over the past year.

Freedom of Expression: Multiple civil society groups noted an increase in the application of provisions of law on the “incitement of interethnic, racial, religious, and interregional hatred,” “public calls for violent seizure of power,” and

“attempted mass riots.” Observers stated in some cases authorities broadly interpreted these provisions to sanction speech, which tended to affect ethnic minorities and human rights defenders. Civil society organizations called the process to confirm such violations of law as arbitrary, politicized, and unprofessional.

On August 6, the State Committee for National Security summoned the editor-in-chief of Asia News, Aslanbek Sartbaev, for questioning in connection to charges of inciting interregional hatred. Human rights activists claimed that charges stemmed from Sartbaev’s social media posts criticizing the government. On August 7, the government initiated pretrial court proceedings against Sartbaev.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: Some journalists reported intimidation related to coverage of sensitive topics, such as interethnic relations, “religious extremism,” or the rise of nationalism.

Security services and oligarchs attempted to prevent independent media from operating freely in the country. The government continued its tight controls over news content on state television.

Violence and Harassment: Journalists reported harassment by police and pressure by local and national authorities to avoid reporting on sensitive issues, including ethnic conflicts, corruption, and political figures. Media members also reported that nonstate actors, particularly politically connected and wealthy individuals, harassed them for reporting on those individuals’ alleged corruption and other kinds of wrongdoing. Journalists sometimes practiced self-censorship to avoid reprisals for their reporting.

On March 11, authorities summoned TV reporter Kanat Kanimetov to the State Committee for National Security (GKNB) headquarters and interrogated him about his connection with a criminal case involving a former presidential candidate, on which he had previously reported. Although he was not charged with any crimes, Kanimetov reported police questioned his family and their neighbors and threatened to search his childhood home.

On May 12, Kanimetov was interrogated by the police for a Facebook post in

which he called President Japarov a “convict” and GKNB Chairman Kamchybek Tashiev “crazy.” Kanimetov was charged with “petty hooliganism” for the post, but the case was terminated in August after Kanimetov filed a procedural complaint with the court against the police investigator who interrogated him.

In March investigative journalist Ali Toktakunov, who had previously authored a report on a multimillion-dollar corruption scheme involving former deputy customs head Raimbek Matraimov, reported on Facebook that he was being followed by unknown persons in a vehicle.

On October 11, an investigative journalist working for Toktakunov’s MediaHub reported she was followed, questioned about Toktakunov, and threatened by a man who introduced himself as an officer with the GKNB.

In August investigative journalist Ulukbek Karybek uulu was abducted by three unidentified individuals in Issyk-Kul oblast, subjected to psychological pressure, and threatened with a knife after he expressed outrage at an attempt by representatives of Cabinet of Ministers head Ulukbek Maripov’s advance team to coach audience members before a public meeting with Maripov.

In February a large rally was held in Osh in support of Matraimov, demanding he be released from detention, and that the local branch of Radio Free Europe/Radio Liberty, Radio Azattyk, be closed. Members of Matraimov’s family, supporters, and several politicians attended the rally. Police aided a film crew from the independent outlet Kloop as they were leaving the rally following a provocation against the journalists.

Censorship or Content Restrictions: Journalists sometimes practiced self-censorship to avoid reprisals for their reporting. Journalists and NGO leaders alleged some news outlets instructed their reporters not to report critically on certain politicians or government officials. The sources also reported some news outlets received requests from government offices to report in a particular way or to ignore specific news stories.

NGO leaders and media sources reported state-owned broadcasters remained under pressure to transmit stories promoting government policies and initiatives and develop narratives critical of NGOs, opposition figures, and civil society activists.

Libel/Slander Laws: While slander and libel are not criminal offenses, civil lawsuits can result in defendants paying compensation for moral harm, which the law does not limit in size. Observers stated courts arbitrarily ruled on the amount of compensation and that failure to pay compensation could serve as a basis for criminal prosecution.

Internet Freedom

The government generally allowed access to the internet, including social media sites. There were no public credible reports the government monitored private online communications without appropriate legal authority. The Civic Initiative on Internet Policy reported on 457 internet resources that are mostly blocked by the government for allegedly distributing extremist materials.

On August 23, President Japarov signed the law “On Protection from Inaccurate (False) Information,” which allows the government to block without a court order the websites it deems to contain “false” information. The law also requires website owners and social media account holders to publicly display their names, initials, and email addresses, and requires internet service providers and public internet access points such as internet cafes to catalog the identities of their users. The Media Policy Institute, a press advocacy organization, warned that the law could be used to block or threaten news outlets critical of the administration.

International NGOs such as HRW reported concerns that the constitution, adopted in May, includes vague definitions that could negatively impact freedom of expression online and offline, such as restricting the dissemination of information that is contrary to “moral values and the public consciousness of the people of Kyrgyzstan.”

Members of the LGBTQI+ community reported that authorities regularly monitored chatrooms and dating sites to punish and extort those who were seeking homosexual sex through online venues.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom. Institutions providing advanced religious education must follow strict reporting policies, but

they reported no restrictions on academic freedom.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

The constitution provides for this right, although it limited peaceful assembly in some instances. Organizers and participants are responsible for notifying authorities of planned assemblies, but the constitution prohibits authorities from banning or restricting peaceful assemblies, even in the absence of prior notification. Local authorities, however, have the right to demand an end to a public action and, in the event of noncompliance, are empowered to take measures, including arrests, to end assemblies.

On April 15, in response to the bride kidnapping and murder of Aizada Kanatbekova (see section 6, Women), members of civil society demonstrated in front of the Ministry of Internal Affairs, calling for an end to violence against women and the resignation of Minister of Internal Affairs Ulan Niyazbekov. After an argument between Ministry of Internal Affairs leadership and the protesters, counter protesters arrived, decrying the protesters as agents of the West and LGBTQI+ activists. The counter protesters shouted anti-NGO slogans and eventually attacked the protesters, threatening several of them, including high-profile human rights activist and opposition politician Rita Karasartova. The police did little to intervene and did not arrest any of the assailants.

Throughout the COVID-19 pandemic, the government reportedly used public health concerns as a pretext for preventing peaceful protests. The Pervomaisky District Court of Bishkek placed a blanket prohibition on all marches and rallies through April 22, citing health concerns.

Freedom of Association

The law provides for freedom of association, although the government increased harassment of NGOs, which are required to have at least three members and all

other organizations at least 10 members. The law prohibits foreign-funded political parties and NGOs, including their representative offices and branches, from pursuing political goals. A law signed in June requires all NGOs to submit annual reports on financial and programmatic activities, the requirements of which several civil society organizations described as onerous and restrictive. Civil society contacts have also relayed concerns that the law may be used to selectively target organizations that the administration may view as a threat, such as organizations that focus on citizen advocacy, transparency and anticorruption efforts, and the rule of law.

As in previous years, NGOs reported harassment from government security agencies, including unannounced visits to NGO offices, publication of personnel details, and threats. Additionally, ultranationalist groups repeatedly threatened NGOs.

The government continued to maintain bans on 21 “religiously oriented” groups it considered to be extremist, including al-Qa’ida, the Taliban, the East Turkestan Islamic Movement, the Kurdish People’s Congress, the Organization for the Liberation of Eastern Turkistan, Hizb ut-Tahrir, the Union of Islamic Jihad, the Islamic Movement of Uzbekistan, the Unification (Mun San Men) Church, Takfir Jihadist, Jaysh al-Mahdi, Jund al-Khilafah, Ansarullah At-Takfir Val Hidjra, Akromiya, ISIS, Djabhat An Nusra, Katibat al-Imam al-Buhari, Jannat Oshiqdari, Jamaat al-Tawhid wal-Jihad, and Yakyn Incar. Authorities also continued the ban on all materials or activities connected to A. A. Tihomirov, also known as Said Buryatsky.

Numerous human rights activists reported continued arrests and prosecution of persons accused of possessing and distributing Hizb ut-Tahrir literature (see section 1.d.). Most arrests of alleged Hizb ut-Tahrir members occurred in the southern part of the country and involved ethnic Uzbeks.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

Foreign Travel: The law prohibits travel abroad by citizens who have or had access to information classified as state secrets until the information is declassified.

Citizenship: The law on combating terrorism and extremism revokes the citizenship of anyone convicted of terrorist and extremist activities. The government did not use the law during the year.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing some protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern. In June UNHCR reported there were 326 refugees in the country, including 204 from Afghanistan.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has a system for providing protection to refugees. The law on refugees includes nondiscrimination provisions covering persons who UNHCR did not grant refugee status to when they left their country of origin and extends the validity of documents until a final decision on status is determined by a court. Despite local law, the government has ignored asylum requests from asylum seekers likely to be tortured upon their return to their home country.

Employment: The government grants legal permission to work to individuals UNHCR has determined are refugees and to whom the government has granted official residency status in the country. Not all refugees qualify for residency status, according to the government. Individuals whom UNHCR has determined are refugees, but to whom the government has not conferred legal residency, are

not legally permitted to work, access medical services, or receive identity documents. Therefore, they are susceptible to exploitation by employers paying substandard wages, not providing benefits, and not complying with labor regulations. They could not file grievances with authorities.

Access to Basic Services: The government deemed individuals whom UNHCR determined ineligible for refugee status, as well as asylum seekers who lacked official status, as ineligible to receive state-sponsored social benefits. Refugees with official status in the country have access to basic services.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. In practice, authorities and party officials responsible for administering elections engaged in some procedural irregularities.

Elections and Political Participation

Recent Elections: President Sadyr Japarov was elected on January 10. He had been serving as interim president since October 2020, following political upheaval that resulted in the annulment of parliamentary elections and the forced resignation of his predecessor. The Organization for Security and Cooperation in Europe (OSCE) reported that the voting process during the January presidential elections was well organized and free, although it noted that the campaign was dominated by one candidate with disproportionate financial means and administrative resources. It also reported that an overall lack of critical media reporting, partially due to a restrictive legal media framework, limited the voter's ability to make an informed choice.

Elections were held on November 28 for the 90-seat unicameral parliament. Progovernment parties won a majority of seats. According to the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the elections were competitive and generally well run, although it noted significant procedural problems during the vote count and the initial stages of tabulation, and also technical problems with biometric identification equipment and electronic ballot

scanners. OSCE/ODIHR reported that election day was peaceful with low voter turnout, and that there was less gender and ethnic diversity in the new parliament. Changes to the electoral law and the shift to a hybrid ballot with both party lists and single mandate district candidates contributed to some confusion among voters and a high rate of spoiled ballots.

Political Parties and Political Participation: On August 27, President Japarov signed a law that reduces the number of members of parliament from 120 to 90, in accordance with the new constitution, and designates 36 seats for single mandate geographic districts, and 54 for proportional division among political parties from the national vote. Political parties will need to obtain at least 5 percent of votes nationally in order to be eligible for parliament.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minorities in the political process, and they did participate in recent elections. The election code requires the names of male and female parliamentary candidates be intermixed on party lists and that no more than 70 percent of candidates on a party list can be of the same gender. The law on elections requires that MPs who resign their mandate be replaced by persons of the same gender. Women held fewer than 10 percent of parliamentary seats.

By law women must be represented in all branches of government and constitute no less than 30 percent of state bodies and local authorities. The law does not specify the level of the positions at which they must be represented. The elections law does not apply the 30 percent women's quota for MPs to the new single mandate seats (36 of the total 90 seats in parliament).

Section 4. Corruption and Lack of Transparency in Government

While the law provides criminal penalties for public officials convicted of corruption, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year. According to Transparency International, the government appears to selectively investigate and prosecute corruption cases. The practice of officials in all levels of law enforcement

accepting the payment of bribes to avoid investigation or prosecution remains a major problem. Law enforcement officers, particularly in the southern part of the country, frequently employed arbitrary arrest, torture, and the threat of criminal prosecution as a means of extorting cash payments from citizens (see section 1.d.).

Corruption: The State Committee for National Security is formally empowered to investigate corruption. Prior to the government reorganization initiated by President Japarov's election in January, this work was carried out by the anticorruption agency of the State Committee for National Security. A June 25 presidential decree, however, revoked the agency's authority. In February the State Service to Combat Economic Crimes, also known as the Financial Police, which investigated economic crimes, including some corruption-related crimes, was disbanded.

On February 18, authorities again arrested former deputy customs head Raimbek Matraimov for money laundering, but on April 15 the State Committee for National Security announced that the case against Matraimov had been dismissed because it could find no evidence that Matraimov purchased property outside of the country and therefore claimed it had no legal basis to continue its investigation. Matraimov had been identified as the ringleader of a large corruption scheme centered on smuggling goods in and out of the country in a series of joint investigative reports into corruption in the national customs service by Radio Free Europe/Radio Liberty affiliate Azattyk, the Organized Crime and Corruption Reporting Project, and media organization Kloop, which began in 2019 and continued during the year. The investigation relied upon Aierken Saimaiti, a self-confessed money launderer, who was later killed in Istanbul after he was revealed as the source of the reporting. Saimaiti identified Matraimov as the scheme's leader, using his official position to move shipments of goods through customs without inspection or fees in exchange for payments from smugglers. In October 2020 the State Committee for National Security arrested Matraimov for operating a corrupt scheme to "extract shadow income during [his] administration of the customs system," according to a government announcement. Matraimov was granted "economic amnesty" and released on the same day of his arrest after agreeing to pay 2 billion soms (approximately \$25,000,000) in restitution, even though investigative reporting indicated his criminal activity resulted in the

embezzlement of over \$700 million.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Numerous domestic and international human rights organizations operated actively in the country investigating and publishing their findings on human rights cases; however, government officials at times were uncooperative and unresponsive to their views.

Government actions at times appeared to impede the ability of NGOs to operate freely.

The United Nations or Other International Bodies: The government permitted visits by representatives of the United Nations and other organizations in connection with the investigation of abuses or monitoring of human rights problems in the country, including those of the Organization for Security and Cooperation in Europe, International Committee of the Red Cross, Norwegian Helsinki Committee, and International Organization for Migration (IOM). The government provided international bodies largely unfettered access to civil society activists, detention facilities and detainees, and government officials.

Government Human Rights Bodies: The Office of the Ombudsman acts as an independent advocate for human rights on behalf of private citizens and NGOs and has the authority to recommend cases for court review. Observers noted the atmosphere of impunity surrounding the security forces and their ability to act independently against citizens, factors that limited the number and type of complaints submitted to the Ombudsman's Office.

Although the ombudsman's office exists in part to receive complaints of human rights abuses and pass the complaints to relevant agencies for investigation, both domestic and international observers questioned the office's efficiency and political independence.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The rape of both women and men, including spousal rape, is illegal. The government failed to enforce the law effectively, and many rape victims did not report their rape or sexual assault to police or NGOs. Penalties for conviction of sexual assault range from three to eight years' imprisonment. Prosecutors rarely brought rape cases to court. Police generally regarded spousal rape as an administrative rather than criminal offense.

While the law specifically prohibits domestic violence and spousal abuse, violence against women and girls remained a significant yet underreported problem. Penalties for domestic violence convictions range from fines to 15 years' imprisonment, the latter if abuse resulted in death. In 2020 police recorded 9,025 cases of domestic violence, a 65 percent rise compared to previous years, but only about 940 of the cases were sent to courts. In the first eight months of the year, the police registered 7,665 cases of domestic violence against women, 30 percent higher than the same period in 2020. Domestic violence experts explained that increased unemployment caused by the COVID-19 pandemic, alcoholism, and strain on families who care for children left behind by migrant workers are causes of the increased rate of domestic violence. Experts also explained that increased rates of domestic violence could be due to an increase in women's willingness to file reports with police.

From the end of December 2020 until January, three women died by suicide in the northeastern Issyk-Kul region in separate cases linked to domestic violence. One of the women previously had said if she ran away, her husband would find her and torture her. Police refused to open a criminal probe into the domestic violence of one of the other women because they claimed there were no witnesses, no reports of a crime, and no complaints.

Among the domestic violence cases brought to court, prosecutors classified a significant number as administrative offenses or misdemeanors, which carry a lighter sentence. A 2019 revision to the Code of Misdemeanors, however, includes a provision that criminalizes domestic violence.

Many women did not report crimes against them due to psychological pressure, economic dependence, cultural traditions, fear of stigma, and apathy among law enforcement officers. NGOs noted some women are reluctant to report cases of violence to police because they do not trust the police to handle the cases appropriately. Civil society and media reported instances of spouses retaliating against women who reported abuse.

The government provided offices to the Sezim Shelter (*Sezim* is the Kyrgyz word for crisis) in Bishkek for victims of domestic abuse and paid some of its expenses. International NGOs and organizations contributed funding to other shelters throughout the country. Despite this funding, NGOs such as Human Rights Watch questioned the government's commitment to address the problem. According to an Amnesty International report, there are 14 crisis centers in the country. All but one are based in the towns of Bishkek and Osh. Experts note that the centers are underresourced. In February the Bishkek municipality opened a new crisis shelter called Ayalzat with funding from the Ministry of Health and Social Development to counter domestic violence. There was space for 60 women and children.

Other Harmful Traditional Practices: Although prohibited by law, the practice of kidnapping women and girls for forced marriage continued. In 2018 the United Nations estimated kidnappers forced approximately 14 percent of girls younger than age 24 into marriage. Men married to kidnapped brides were more likely to abuse their wives and limit their pursuit of education and employment. The negative effect of the practice extended to children of kidnapped brides. Observers reported there was a greater frequency of early marriage, polygamy, and bride kidnapping in connection with unregistered religious marriages. This also affected data availability on such marriages. In 2018 the Ministry of Internal Affairs reported that over the previous five years, 895 individuals registered complaints with law enforcement authorities regarding bride kidnapping. Victims did not file criminal cases against the perpetrators in almost 80 percent of the cases, while police and prosecutors criminally investigated the remaining cases. Some victims of bride kidnapping went to the local police to obtain protective orders, but authorities often poorly enforced such orders. NGOs continued to report that prosecutors rarely pursue kidnappers for bride kidnapping. The law establishes penalties for bride kidnapping of 10 years in prison and a fine.

On April 5, four men abducted and killed 27-year-old Aizada Kanatbekova in a case of bride kidnapping. Although the kidnapping was captured by security cameras and Kanatbekova's relatives reported it to police immediately, the perception that police delayed the launch of an investigation caused significant public outrage. On April 15 in response to Kanatbekova's kidnapping and murder, civil society groups organized demonstrations in front of the Ministry of Internal Affairs. More than 40 police officers, including the Bishkek city police chief, were subsequently dismissed.

Sexual Harassment: The law prohibits physical sexual assault but not verbal sexual harassment. Police did not actively enforce these laws. Media reported on widespread sexual harassment in the workplace and on public transportation.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Societal attitudes discouraged the use of contraception, especially outside of marriage, and local NGOs and the UN Population Fund reported that women were often denied access to reproductive healthcare due to societal barriers.

The government did provide access to sexual and reproductive health services for survivors of sexual violence, including emergency contraception. Reproductive health advocates said that although clinical guidelines mandate the provision of a sexual and reproductive health services to sexual violence survivors, many clinics lack the resources to provide a full range of services. The government provided contraceptives for certain groups of women, including those with disabilities and HIV-positive women.

Discrimination: The law provides for the same legal status and rights for women and men, but enforcement of the law was poor, and discrimination against women persisted.

Data from NGOs working on women's issues indicated women were less healthy, more abused, less able to work outside the home, and less able than men to determine independently the disposition of their earnings.

Systemic Racial or Ethnic Violence and Discrimination

The constitution provides for the right to equality and nondiscrimination on many grounds including race, language, and ethnicity. International human rights groups, including the UN Committee on the Elimination of Racial Discrimination, note that although there are antidiscrimination provisions in the Criminal and Labor Code, there are no specific provisions in other key areas such as education and healthcare. National minorities, who make up 26 percent of the population, remain underrepresented in both elected and government positions, especially in law enforcement bodies.

Tensions between ethnic Uzbeks – who comprised nearly 15 percent of the population – and ethnic Kyrgyz remained problematic, particularly in Southern Osh Oblast where ethnic Uzbeks make up almost one-half the population. Discrimination against ethnic Uzbeks in business and government, as well as harassment and reported arbitrary arrests, illustrated these tensions. Ethnic Uzbeks reported that large public works and road construction projects in predominantly ethnic Uzbek areas, often undertaken without public consultation, interfered with neighborhoods and destroyed homes. Human rights NGO Bir Duino reported that ethnic Uzbeks were overwhelmingly targeted by laws governing extremist materials shared or liked on social media.

Following the ethnic violence in the south of the country in 2010, the government adopted the Concept on Strengthening National Unity and Interethnic Relations, which commits officials to pursue equal rights and opportunities regardless of ethnicity. Human rights organizations report that investigations following the 2010 ethnic violence disproportionately target ethnic Uzbeks.

Children

Birth Registration: Although the law provides that every child born in the country has the right to receive a birth certificate, local registration, and citizenship, some children of migrant parents who moved to and acquired citizenship of another country had to prove both of their parents were Kyrgyz citizens to acquire citizenship.

Education: The law provides for compulsory and free education for the first nine years of schooling or until age 14 or 15. Secondary education is free and universal until age 17. The government did not provide free basic education to all students. The system of residence registration restricted access to social services, including education for children who were refugees, migrants, or noncitizens. Families of children in public school often paid burdensome and illegal administrative fees.

Child Abuse: No specific law covers child abuse in the country. The Children's Code regulates the role of different state institutions in ensuring, providing, and protecting children's rights. According to NGO and UN reports, child abuse, including beatings, child labor, and commercial sexual exploitation of boys and girls continued to occur. According to the National Statistics Committee, more than 277,000 children were without parental care due to labor migration to Russia and other countries. The Child Protection League stated that violence against children left under guardianship of the migrants' relatives occurs in almost all cases.

In December 2020 a court acquitted two of three suspects in the rape of a 13-year-old girl in the Issyk-Kul region. One of the suspects received a sentence of seven and a half years. According to her family, the three men raped her for six months, filmed her, and threatened that they would show the videos to her classmates. The girl had an abortion after becoming pregnant and required extensive psychological support. In December 2020 a march was held in Bishkek to raise attention to this case and sexual violence against women and girls.

Child, Early, and Forced Marriage: Children ages 16 and 17 may legally marry with the consent of local authorities, but the law prohibits civil marriages before age 16 under all circumstances. Although illegal the practice of bride kidnapping continued (see section 6, Women). The kidnapping of underage brides remained underreported.

In 2018 UNICEF estimated that 12.7 percent of married women between the ages of 20 and 49 married before age 18. The law criminalizes religious marriages involving minors; however, prosecutors did not file any cases of criminal charges for religious marriages involving minors.

Sexual Exploitation of Children: The law prohibits the sale of children younger than age 18, child trafficking, child commercial sexual exploitation and child pornography, as well as other sexual crimes against children. It provides penalties for conviction of up to 15 years in prison if the victim is a child. The law also makes it a crime to involve someone in prostitution by violence or the threat of violence, blackmail, destroying or damaging property, or fraud. The government made limited efforts to enforce the law.

The criminal code prohibits the distribution of child pornography and the possession of child pornography with the intent to distribute. The law does not specifically define child pornography, and the criminal code does not fully criminalize computer-related use, access to child pornography online, or simple possession of child pornography.

According to UNICEF and local observers, children younger than age 18 in Bishkek were involved in commercial sexual exploitation. Although precise figures were not known, police stated that typical cases involved young girls from rural areas who relocated to Bishkek for educational opportunities or to flee from an abusive family environment. Once in the capital, they entered the sex trade due to financial need. NGOs and international organizations reported law enforcement officials' complicity in human trafficking by accepting bribes to drop cases, warning suspected traffickers prior to raids, and allowing traffickers to avoid punishment by offering survivors payment to drop cases. Police allegedly threatened, extorted, and raped child sex-trafficking victims. The government reportedly did not always investigate allegations of government employees complicit in human trafficking offenses. Under the criminal code, it is illegal for persons ages 18 and older to have sexual relations with someone younger than age 16.

Displaced Children: There were numerous reports of child abandonment due to parents' lack of resources, and large numbers of children lived in institutions, foster care, or on the streets. Approximately 80 percent of street children were internal migrants. Street children had difficulty accessing educational and medical services. Police detained street children and sent them home if an address was known or to a rehabilitation center or orphanage.

Institutionalized Children: State orphanages and foster homes lacked resources and often were unable to provide proper care. This sometimes resulted in the transfer of older children to mental health-care facilities even when they did not exhibit mental health problems. The ombudsman stated the country's sole children's detention center did not respect the right of juvenile detainees to education and medical services. Human Rights Watch reported that institutionalized children with disabilities face segregation, the overuse of psychotropic medications and forced psychiatric hospitalizations, neglect, and lack of access to quality education. In many institutions a single care-worker was responsible for 15 to 25 children at a time.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The Jewish population in the country was approximately 460. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The law mandates access to buildings for persons with disabilities, requires access to public transportation and parking, authorizes subsidies to make mass media available to persons with hearing or vision disabilities, and provides free plots of land for the construction of a home. The government generally did not ensure proper implementation of the law, and discrimination persisted. In addition persons with disabilities often had difficulty finding employment due to negative societal attitudes and high unemployment

among the general population.

A lack of government resources made it difficult for persons with disabilities to receive adequate education. Although children with disabilities have the right to an education, the Association of Parents of Children with Disabilities stated schools often denied them entry. The government funded programs to provide school supplies and textbooks to children with mental or physical disabilities. The Association of Parents of Children with Disabilities reported efforts by the Ministry of Education and Science to improve the situation by promoting inclusive education for persons with disabilities. According to Ministry of Education and UNICEF data, approximately 36 percent of children with disabilities are registered as receiving some form of education.

According to UNICEF, the government and families institutionalized one-third of children with disabilities. The government did not adequately provide for basic needs, such as food, water, clothing, heating, and health care, and did not adequately address overcrowded conditions.

Authorities usually placed children with mental disabilities in psychiatric hospitals rather than integrating them with other children. Human Rights Watch reported approximately 3,000 children with disabilities are segregated in residential institutions or special schools where they face neglect and discrimination.

The Prosecutor General's Office (PGO) is responsible for protecting the rights of persons with mental disabilities. According to local NGO lawyers, members of the PGO had no training and little knowledge of the protection of these rights and did not effectively assist citizens with disabilities. Most judges lacked the experience and training to make determinations whether it was appropriate to mandate committing persons to psychiatric hospitals, and authorities institutionalized individuals against their will.

Observers noted authorities had not implemented a 2008 law requiring employers to fulfill hiring quotas for persons with disabilities (approximately 5 percent of work positions).

HIV and AIDS Social Stigma

While the law protects against discrimination and stigmatization of persons with HIV or AIDS, according to UNAIDS, persons with HIV continued to encounter high levels of stigma and discrimination. According to 2015 Stigma Index data, HIV-positive persons and those key populations at increased risk for HIV (men who have sex with men, persons who inject drugs, and commercial sex workers) felt fear or experienced verbal abuse, harassment, and threats, with some reporting incidents of physical abuse and assault. This can lead to reduced access or uptake of critical prevention and treatment services. Civil society reported that social stigma of positive HIV/AIDS status led to loss of employment and a lack of access to housing for individuals with such a status or LGBTQI+ individuals. Estimates during the year indicate that 67 percent of those living with HIV/AIDS know their status against a target of 95 percent. This percentage is even lower among key populations.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The country does not criminalize consensual same-sex sexual conduct between adults or speech that supports LGBTQI+ issues. LGBTQI+ persons whose sexual orientation or gender identity was publicly known risked physical and verbal abuse, possible loss of employment, and unwanted attention from police and other authorities. Inmates and officials often openly victimized incarcerated gay men. Forced marriages of lesbians and bisexual women to men also occurred. The Labrys Public Foundation noted the continued practice of “corrective rape” of lesbians to “cure” their LGBTQI+ status. LGBTQI+ NGOs reported harassment and continuing surveillance of their workers and offices by security services. One LGBTQI+ NGO reported an office break-in. The same NGO reported that the personal information of its staff, including sexual orientation and gender identity, was published.

In 2014 HRW released a report based on interviews with 40 LGBTQI+ persons chronicling instances of official extortion, beatings, and sexual assault. The report described in detail how police patrolling parks and bars frequented by gay men would threaten them with violence and arrest or threaten to reveal their

homosexuality to their families if they did not pay bribes. These practices, according to representatives of the LGBTQI+ community, continued during the year. NGO leaders in the southern part of the country reported an even greater threat. During the year members of the LGBTQI+ community reported that authorities regularly monitored chatrooms and dating sites to punish and extort those who were seeking homosexual sex through online venues.

A LGBTQI+ NGO reported that the parents of a bisexual 19-year-old girl attempted to force her to marry a man and held her against her will when she refused. She managed to escape and went to a shelter, but her parents reported her missing to the police and the police returned her to her parents.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join trade unions, except domestics and migrants. The government effectively enforced these rights. The law provides for the right of unions to organize and bargain collectively and conduct their activities without interference. Workers may strike, but the requirement to receive formal approval made striking difficult and complicated. The law on government service prohibits government employees and medical professionals from striking, but the prohibition does not apply to teachers. The law does not prohibit retaliation against striking workers. Penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination.

Many unions reportedly operated as quasi-official institutions that took state interests into consideration rather than representing workers' interests exclusively. The Federation of Trade Unions (FTU) remained the only umbrella trade union in the country. The government did not require unions to belong to the FTU. Labor rights advocates reported the existence of several smaller unaffiliated unions.

Workers exercised their right to form and join unions, and unions exercised the right to organize and bargain collectively. Union leaders generally cooperated with the government. International observers judged that unions represented the

interests of their members poorly.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor. The law specifically prohibits the use of force, fraud, or coercion for the purpose of labor exploitation and prescribes penalties that were commensurate with those for other analogous serious crimes, such as kidnapping. Forced labor is also prohibited by the labor code and the code on children. The government did not fully implement legal prohibitions, and victim identification remained a concern. Forced labor occurred in agriculture, textiles, domestic servitude, and childcare among men, women, and children, and among migrants predominantly from Uzbekistan, Tajikistan, and Turkmenistan.

See also the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all of the worst forms of child labor and provides for a minimum age of employment, including limitations on working hours, occupational safety and health restrictions for children. Nonetheless, child labor remained a problem. The law sets the minimum legal age for basic employment at 16, except for work performed without a signed employment contract or work considered to be "light," such as selling newspapers, in which children as young as 14 may work with the permission of a parent or guardian. The law prohibits employment of persons younger than age 18 at night, underground, or in difficult or dangerous conditions, including in the metal, oil, and gas industries; mining and prospecting; the food industry; entertainment; and machine building. Children ages 14 or 15 may work up to five hours a day, not to exceed 24 hours a week; children ages 16 to 18 may work up to seven hours a day, not exceeding 36 hours a week. These laws also apply to children with disabilities. Minimum age protections only apply to children engaged in contractual employment relationships and may not cover those who work in the informal sectors. Violations of serious child labor laws incurred penalties that were commensurate with those for other analogous serious crimes, such as kidnapping. The government did not effectively enforce the law and a lack

of prosecution of violations continued to pose challenges to deterrence. Almost all child labor was in agriculture based on the *2014-2015 National Child Labor Survey*.

Children continued to be engaged in household-scale work in cotton and tobacco cultivation; growing rice, potatoes, sugar beets, and wheat; and raising cattle and sheep. Reports indicated children worked in the industrial and services sectors as well, in coal mining; brick making; and construction, including lifting and portering construction materials and cutting metal sheets for roofs. In the services sector, children worked in bazaars, including by selling and transporting goods; washing cars; working in restaurants and cafes; begging and shoe-shining as part of street work; and providing domestic work, including childcare. Examples of categorical worst forms of child labor in the country included: commercial sexual exploitation, sometimes because of human trafficking; and illicit activities, including trafficking drugs, as a result of human trafficking (see section 7.b.).

The Prosecutor General's Office and the State Inspectorate on Ecological and Technical Safety (Inspectorate) are responsible for enforcing employers' compliance with the labor code. According to the inspectorate, an insufficient number of labor inspectors resulted in infrequent and ineffective child labor inspections to ensure appropriate enforcement of the labor laws. Since many children worked for their families or were self-employed, the government found it difficult to determine whether work complied with the labor code. The government's institutional mechanisms for enforcing child labor laws do not include unannounced inspections conducted at the national level. The labor inspectorate, therefore, did not apply penalties against any employers who used child labor.

See also the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation based

on sex, race, ethnicity, language, national origin, property, official status, age, place of residence, religion, and political convictions, membership in public organizations, or other circumstances irrelevant to professional capacities. Penalties for violations were not commensurate to other laws on civil rights, such as election interference. On average employers paid women substantially lower wages than they paid to men. Women made up most pensioners, a group particularly vulnerable to deteriorating economic conditions. By law women are prohibited from working in more than 400 “dangerous professions,” including energy, mining, water, factories, trucking, agriculture, and certain types of construction. This law is a holdover from the Soviet era, and while it is not clear that it has ever been enforced, it presents a barrier to women’s full and free participation in the economy and affects women’s earning potential. In rural areas traditional attitudes toward women limited them to the roles of wife and mother and curtailed educational opportunities. Members of the LGBTQI+ community reported discrimination in the workplace when they publicly disclosed their sexual orientation. LGBTQI+ persons faced a high risk of becoming the victims of deception and labor and sexual exploitation. The most vulnerable LGBTQI + group in terms of employment is transgender women, who are frequently forced out of employment opportunities. Persons with HIV/AIDS-positive status faced discrimination regarding hiring and security of employment. During the height of the COVID-19 pandemic, members of the LGBTQI+ community lacked paid employment, social insurance, and the resources to work at home. Employers discriminated against persons with disabilities in hiring and limited their access to employment opportunities in the workplace. Ethnic Uzbeks in the south also complained that discriminatory practices in licensing and registering a business with local authorities made starting a small business difficult.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provides for a national minimum wage for all sectors of the economy, which is less than the official government’s 2020 poverty line. The law on minimum wage states it should rise gradually to meet the cost of living. The government did not effectively enforce laws related to the minimum wage and overtime. There was limited employer liability for late payment of wages, allowances, or other social benefits. Penalties were not commensurate with

those for similar crimes, such as fraud. The standard workweek is 40 hours, usually with a five-day week. For state-owned industries, there is a mandated 24-hour rest period in a seven-day workweek. According to the labor code, overtime work cannot exceed four hours per day or 20 hours per week. The labor code also states workers engaged in overtime work must receive compensatory leave or premium pay of between 150 and 200 percent of the hourly wage. Compliance with these requirements differed among employers. For example large companies and organizations with strong labor unions often abided by these provisions. Employers of small or informal firms where employees had no union representation often did not enforce these legal provisions.

The State Inspectorate on Ecological and Technical Safety (Inspectorate) is responsible for protecting workers and carrying out inspections for all types of labor problems. The government did not effectively enforce the law because it did not conduct labor inspections following a moratorium on all state inspections. Even prior to the moratorium, the Inspectorate limited labor inspectors' activities and did not employ enough inspectors to enforce compliance. According to the International Labor Organization (ILO), the inspectorate also lacked sufficient funding to carry out inspections.

Occupational Safety and Health: Occupational safety and health standards were appropriate for the main industries in the country but the government generally did not enforce them. It is not clear that responsibility for identifying unsafe situations remains with occupational safety and health experts and not the worker. Factory operators often employed workers in poor safety and health conditions. The government did not effectively enforce occupational safety and health laws. Penalties for violations of the law, which range from community service to fines, were commensurate with those for crimes like negligence. The law does not provide workers the right to remove themselves from a hazardous workplace without jeopardizing their employment.

Informal Sector: The law does not provide for occupational health and safety standards for workers in the informal economy. The National Statistics Committee defined informal economic activity as household units that produce goods and services primarily to provide jobs and income to their members. In 2020 an estimated 30 percent of the population worked in the formal sector of the economy,

while the rest worked in the informal economy. Government licensing rules placed strict requirements on companies recruiting citizens to work abroad, and the Department of External Migration under the Ministry of Foreign Affairs licensed such companies. The government regularly published a list of licensed and vetted firms. Recruiters were required to monitor employer compliance with employment terms and the working conditions of labor migrants while under contract abroad. Recruiters were also required to provide workers with their employment contract prior to their departure.